

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR FEBRUARY 15, 2006

The Regular Meeting of the Council of Commissioners was called to order Wednesday, February 15, 2006 in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb at 7:40 p.m.

ROLL CALL

9 present and 3 absent. Commissioners Frasz, Dunlap and Fay were excused.

PRAYER

Commissioners were led in prayer by Commissioner Bury.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 18, 2006

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to approve the Minutes of the Regular Meeting of January 18, 2006.

ITEMS NOT ADDRESSED ON THE AGENDA

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 9 yeas, 0 nays and 3 that in accordance with the provisions of Subsection 6 of Rule VI of the Rules of Business of the Council of Commissions of city and county of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency condition exists which requires the Council rules be suspended to allow Resolution No. 06-14 and No. 06-15 to be added to the agenda of tonight’s Regular Meeting of the Council of Commissioners.

PUBLIC COMMENT ON ANY PUBLIC MATTER

None

CHIEF EXECUTIVE’S REPORT

Chief Executive Paul Babb informed Council the requirement “taxes must be paid” to apply for money from the Hard-Rock Mine Trust Account has been added to the Project Development Assistance Program General Procedures document.

Erin Popovich Day at the new YMCA was very successful – good turnout at the Y. Suggested anyone who has not toured the new YMCA should.

The Chief Executive also touched on the following subjects: He is on the Board of the NRD Council, the State National Drug Policy Program in Rotunda, the new Animal Shelter, monthly reports from Public Works regarding the Animal Shelter, meeting on Strategic Plan for BSB is next week.

B.

COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for segregations. Commissioner Kerns segregated Communication 06-102. Prior to adjournment Kern's indicated he segregated Communication 06-102 to give other Commissioners the opportunity to serve on the Council Committee for mediation - Fay (by O'Leary), Coleman and Sheehy volunteered. Commissioner O'Leary had three "friendly amendments". On page 1 under B, Item 1, Commissioner O'Leary overlooked a recommendation on this communication. Commissioner O'Leary's recommendation on the petition was to "refer to Judiciary. On page 4, under C, Item 21, the submitter was the Law Enforcement Ad Hoc Committee rather than himself. On page 5, under C, Item 30, the submitter requested time on the 23rd rather than the 22nd.

Commissioner O'Leary then moved for adoption of the Consent Agenda, Section III-A, Items 1 through 5, Section III-B, Item 1 and Section III-C Items 1 through 36, exclusive of Communication 06-102. The motion was seconded by Commissioner Coleman and carried with a unanimous verbal vote.

SECTION III

COMMUNICATIONS TO BE READ AND ACTED UPON

1. 06-88 Paul Babb, Chief Executive requesting concurrence in appointment of Russ Connole as the new Economic Development Director.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a unanimous verbal vote to approve the request in Communication No. 06-88.

SECTION IV

**COUNCIL RESOLUTIONS & ORDINANCES -
FINAL READING**

1.

COUNCIL RESOLUTION NO. 06-12

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT

DEPARTMENT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O'Leary, seconded by Commissioner Bury and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 06-12 on final reading and passed having been deemed fully read at length.

2. COUNCIL RESOLUTION NO. 06-13

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE BILL BROWN MINOR SUBDIVISION – SUMMARY REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 06-13 on final reading and passed having been deemed fully read at length.

**SECTION V COUNCIL RESOLUTIONS AND ORDINANCES
SUSPENSION OF THE RULES**

It was moved by Commissioner O’Leary, seconded by Commissioner and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to suspend the rules for the purpose of passing Council Resolutions No. 09-14 by waiving subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners , thereby having it considered for advanced passage without reference to the Judiciary Committee

1. COUNCIL RESOLUTION NO. 06-14

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 538 CALEDONIA STREET AND MORE PARTICULARLY DESCRIBED AS LOT 12 IN BLOCK 6 OF THE GAGNON ADDITION FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE; REPEALING COUNCIL RESOLUTION NO. 06-3 DATED JANUARY 18, 2006 AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

It was moved by Commissioner O’Leary, seconded by Commissioner Bury and carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution No. 06-11 on final reading and passed having been deemed fully read at length.

Emergency Resolution No. 06-15

1. COUNCIL RESOLUTION NO. 06-15

A RESOLUTION PROVIDING FOR CHANGES IN THE BOUNDARIES OF CERTAIN ELECTION PRECINCTS TO CONFORM TO THE LEGISLATIVE DISTRICTING AND APPORTIONMENT PLAN PREPARED AND FILED FOLLOWING THE 2000 FEDERAL POPULATION CENSUS; AMENDING SECTION 1 OF COUNCIL RESOLUTION NOS. 04-5 AND 03-53 TO ENSURE PRECINCT BOUNDARIES PROPERLY REFLECT HE POPULATION MOVEMENT RESULTING FROM THE 2005 COMMISSIONER REDISTRICTING; CLARIFYING

STYLISTIC TEXT DESCRIBING THE BOUNDARIES OF ALL BUTTE-SILVER
BOW PRECINCTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**It was moved by Commissioner O’Leary, seconded by Commissioner Bury and
carried by a roll call vote of 9 yeas, 0 nays and 3 absent to place Council Resolution
No. 06-15 on final reading and passed having been deemed fully read at length.**

ADJOURN

There being no further business to come before the Council, it was moved by
Commissioner O’Leary, seconded by Commissioner Bury and carried by a unanimous
verbal vote to Rise to the Call of the Chair. The meeting adjourned at 8 p.m.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER